

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

PRISCILLA GARCIA MARTINEZ, )  
v. )  
Plaintiff, )  
)  
KILOLO KIJAKAZI, )  
Acting Commissioner of Social Security, )  
)  
Defendant. )

**No. CIV-22-730-R**

**ORDER**

Before the Court is Plaintiff's Motion for Attorney's Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 [Doc. No. 29], in which Plaintiff requests an award of attorney's fees and expenses in the amount of \$5,447.30. Defendant filed a response [Doc. No. 30] stating that she agrees this is a fair and equitable amount for the work performed in this matter.

Accordingly, Plaintiff's application for an award of attorney's fees and costs is GRANTED in the amount of \$5,447.30. The EAJA fees will be paid to Plaintiff as the prevailing party, subject to offset for debts to the federal government, but delivered to Plaintiff's attorney. *See Astrue v. Ratliff*, 560 U.S. 586, 595-98 (2010). If Plaintiff's counsel ultimately receives an award of attorney fees pursuant to 42 U.S.C. § 406(b), said attorney must refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

**IT IS SO ORDERED** this 18<sup>th</sup> day of August 2023.

  
DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE